REMARKS

The Examiner has maintained the current rejection. As set forth below, such new rejection is still deficient. However, despite such deficiencies and in the spirit of expediting the prosecution of the present application, applicant has incorporated the subject matter of one or more dependent claims into each of the independent claims. Since the subject matter of such dependent claim(s) was already considered by the Examiner, it is asserted that such claim amendments would **not** require new search and/or consideration.

The Examiner has rejected Claims 24, 25, 28, 34, 35, 38, 32, 33 and 42-44 under 35 U.S.C. 102(e) as being anticipated by Engel et al. (U.S. Patent Application Publication No. 2002/0198969). Applicant respectfully disagrees with such rejection, especially in view of the amendments made hereinabove to each of the independent claims.

With respect to independent Claims 24 and 34, the Examiner has relied on paragraph [0032] in Engel to make a prior art showing of applicant's claimed "bootstrap module on the at least one network appliance installing the configuration package as part of an initialization bootstrap operation" (see the same or similar language in each of the foregoing claims). In the latest office action dated 9/19/2005, the Examiner has further relied on paragraphs [0022], [0031], [0032] and Figure 2 in Engel, and has argued that Engel teaches sending networking settings to a device that is previously unconfigured such that the "settings initialize, or boot, the network device into a state that makes it operable on the network."

Applicant respectfully disagrees, and notes that Engel actually teaches to the contrary of the Examiner's assertions. Specifically, Engel teaches that only "multi-cast capable devices on the local network 50 respond to the multi-cast query message" and that a "response from a network device to a multi-cast query message includes a set of current configuration information for the network device" (see paragraph [0022]). Thus, Engel teaches that the network device is currently configured, and not that it is previously

unconfigured as the Examiner argues. Furthermore, Engel does not even disclose any sort of installation of the configuration package, but instead only teaches transferring the network configuration parameters to the network device (see paragraph [0032]). Thus, in view of such arguments, Engel simply does not teach "installing the configuration package as part of an initialization bootstrap operation," as claimed by applicant (emphasis added).

The Examiner is reminded that a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. Of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Moreover, the identical invention must be shown in as complete detail as contained in the claim. *Richardson v. Suzuki Motor Co.*868 F.2d 1226, 1236, 9USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claim.

This criterion has simply not been met by the Engel reference, as noted above. Nevertheless, despite such paramount deficiencies and in the spirit of expediting the prosecution of the present application, applicant has substantially incorporated the subject matter of Claims 26, 30 and 31 et al. into each of the independent claims.

With respect to the subject matter of Claim 26 et al., presently incorporated into independent Claims 24 and 34, the Examiner has rejected the same under 35 U.S.C. 103(a) as being unpatentable over Engel in view of Cohen (U.S. Patent Application Publication No. 2003/0023732). Specifically, the Examiner has relied on paragraphs [0032] and [0014] in Cohen to make a prior art showing of applicant's claimed "library of applets for one or more Web browser-based configuration clients operating within the specified network domain."

Applicant respectfully asserts that such excerpts from Cohen teach an EVM that "acts as a 'container' for downloaded applications, such as applets, which extend the functionality of a device running local embedded firmware." Applicant notes, however,

that the EVM is simply an embedded virtual machine included in a device (see paragraph [0030]). Clearly, downloading applications to a device, as taught in Cohen, does not meet "a library of applets for one or more Web browser-based configuration clients," as specifically claimed by applicant (emphasis added).

With respect to the subject matter of Claim 30 et al., presently incorporated into independent Claims 24 and 34, the Examiner has rejected the same under 35 U.S.C. 103(a) as being unpatentable over Engel in view of Novaes et al. (U.S. Patent No. 6,772,420). Specifically, the Examiner has relied on Col. 17, lines 19-40 in Novaes to make a prior art showing of applicant's claimed "completion module sending a message comprising one of success, failure and unconfigured following configuration package installation at each such network appliance."

Applicant respectfully asserts that such excerpt from Novaes relates to making an entry in a System Registry for a new node (see Col. 17, lines 11-12). Thus, a failure or success message is sent according to the entry status of the node. Applicant notes, however, that the node disclosed in Novaes has an address, such as an IP address (see Col. 16, lines 31-32) and is capable of running processes (see Col. 16, lines 29). Thus, success or failure of a new node entry in a System Registry, as taught in Novaes, does not meet "a message comprising one of success, failure and unconfigured following configuration package installation," as claimed by applicant (emphasis added).

With respect to the subject matter of Claim 31 et al., presently incorporated into independent Claims 24 and 34, the Examiner has rejected such under the same rejection as described above with respect to Claim 26 et al. Specifically, the Examiner has relied on paragraphs [0040]-[0041] in Cohen to make a prior art showing of applicant's claimed "status daemon initializing a secure management session following successful configuration package installation on at least one such network appliance." Applicant respectfully asserts that such excerpts merely teach a central device and its functionality. However, nowhere does Cohen specifically disclose "initializing a secure management

session following successful configuration package installation," as claimed by applicant (emphasis added).

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed.Cir.1991).

Applicant respectfully asserts that at least the third element of the *prima facie* case of obviousness has not been met, since the prior art references, when combined, fail to teach or suggest all of the claim limitations, as noted above. Thus, a notice of allowance or a proper prior art showing of all of applicant's claim limitations, in combination with the remaining claim elements, is respectfully requested.

The Examiner has rejected Claims 1, 9, 10-12 and 20-23 under 35 U.S.C. 103(a) as being unpatentable over Engel in view of Poger et al. (U.S. Patent No. 6,772,420). Applicant respectfully disagrees with such rejection, especially in view of the amendments made hereinabove to each of the independent claims.

With respect to independent Claims 1 and 12, the Examiner has relied on Col. 4, lines 49-67 in Poger to make a prior art showing of applicant's claimed "status module broadcasting a query message to the network appliances and processing a response message containing network settings, including a physical network address, received by the applet from at least one such network appliance responsive to the query message" (see the same or similar, but not identical language in each of the independent claims).

Applicant respectfully asserts that Poger actually *teaches away* from applicant's claim language. Specifically, Poger discloses that "the device uses DHCP to obtain network configuration information...thereby enabling it to be recognized by, and exchange information with other network devices," where such "DHCP messages include a unique hardware address" (see Col. 4, lines 44-48). Thus, in Poger the device receives a hardware address, whereas applicant claims that "a response message containing network settings, including a physical network address, [is] received by the applet from at least one such network appliance responsive to the query message" (emphasis added).

In the latest office action dated 9/19/2005, the Examiner has argued that "it is inherent that an unconfigured (has no communicable address) network device must be configured using the physical network address of the device." However, as a basis for such a conclusion, the Examiner has stated that "Engel teaches a network system that discovers network devices and receives from the devices current configuration information for the network device." It seems that the Examiner is making contradictory statements. A device cannot send current configuration information and at the same time be unconfigured, as it seems the Examiner has argued.

Applicant respectfully asserts that at least the third element of the *prima facie* case of obviousness has not been met, since the prior art references, when combined, fail to teach or suggest all of the claim limitations, as noted above. Nevertheless, despite such paramount deficiencies and in the spirit of expediting the prosecution of the present application, applicant has substantially incorporated the subject matter of Claims 2, 3 and 5 et al. into each of the independent claims.

With respect to the subject matter of Claim 2 et al., presently incorporated into each of the independent claims at issue under the above instant rejection, the Examiner has rejected the same under 35 U.S.C. 103(a) as being unpatentable over Engel in view of Poger in further view of Novaes. Specifically, the Examiner has relied on Col. 17, lines 10-17 in Novaes to make a prior art showing of applicant's claimed "list of the network

appliances maintained by the status module for each at least one such network appliance sending a response message and not requiring configuration."

Applicant respectfully asserts that such excerpt from Novaes simply teaches a new node entry in a System Registry. Applicant notes that nowhere in Novaes is there any disclosure of "a list of the network appliances maintained by the status module" let alone where such list is "for each at least one such network appliance sending a response message and not requiring configuration," as specifically claimed by applicant (emphasis added).

With respect to the subject matter of Claim 3 et al., presently incorporated into each of the independent claims at issue under the above instant rejection, the Examiner has rejected such under the same rejection as that of Claim 2 et al. described above. The Examiner has specifically relied on Col. 17, lines 19-40 in Novaes to make a prior art showing of applicant's claimed "completion module receiving a status message from each at least one such network appliance requiring configuration responsive to receipt of the configuration packet."

Applicant respectfully asserts that such excerpt from Novaes only discloses sending a message if a new node is successfully entered into a System Registry (see Col. 17, lines 11-18). Applicant notes, however, that Novaes only teaches sending messages for success or failure of the node entry, and not a message that is "responsive to receipt of the configuration packet" as claimed by applicant (emphasis added).

With respect to the subject matter of Claim 5 et al., presently incorporated into each of the independent claims at issue under the above instant rejection, the Examiner has relied on paragraph [0032] in Engel to make a prior art showing of applicant's claimed technique "wherein the status message indicates an unsuccessful configuration, further comprising resending the configuration packet to the at least one such network appliance."

Applicant respectfully asserts that such excerpt from Engel only teaches that "the remote configuration applet 20 may send the network communication parameters 64 via the local network 50 using multi-cast protocol" and that "[a]lternatively, the remote configuration applet 20 may send the network communication parameters 64 via the local network 50 using the TCP/IP protocol." Thus, Engel only teaches methods of sending the network communication parameters, but does not specifically disclose "resending the configuration packet to the at least one such network appliance [when the status message indicates an unsuccessful configuration]," as claimed by applicant (emphasis added).

Again, applicant respectfully asserts that at least the third element of the *prima facie* case of obviousness has not been met, since the prior art references, when combined, fail to teach or suggest all of the claim limitations, as noted above. A notice of allowance or a proper prior art showing of all of applicant's claim limitations, in combination with the remaining claim elements, is respectfully requested.

Thus, all of the independent claims are deemed allowable. Moreover, the remaining dependent claims are further deemed allowable, in view of their dependence on such independent claims.

In the event a telephone conversation would expedite the prosecution of this application, the Examiner may reach the undersigned at (408) 505-5100. The Commissioner is authorized to charge any additional fees or credit any overpayment to Deposit Account No. 50-1351 (Order No. NAI1P372/01.085.02).

Respectfully submitted,
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